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OCT 19 2005

**FACSIMILE TRANSMISSION COVER SHEET**

DATE: October 19, 2005

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NUMBER OF PAGES INCLUDING THIS COVER SHEET: 19

FROM: Randall K. McCarthy, Registration No. 39,297

TO: Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

| ADDRESSEE/ORGANIZATION | FAX NO.      | TELEPHONE NO. |
|------------------------|--------------|---------------|
| Art Group 3643         | 571/273-8300 | 866/217-9197  |
|                        |              |               |

RE: Application No. 10/664,259  
In re application of: Thomas L. Byers  
Dkt. No.: OKC00085

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PATENT  
Dkt. OKC00085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas L. Byers  
Application No.: 10/664,259 Group No.: 3643  
Filed: September 17, 2003 Examiner: A. Valenti  
For: MODULAR ANIMAL ENCLOSURE

RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT OR RESPONSE AFTER FINAL REJECTION-TRANSMITTAL

- Transmitted herewith is an amendment after final rejection (37 C.F.R. § 1.116) for this application.

STATUS

- Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

- The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

\_\_\_\_\_  
Signature

Date: October 19, 2005

Diana C. Anderson

(type or print name of person certifying)

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| (Col.1)   | (Col. 2)                             | (Col. 3)                 | SMALL ENTITY  |
|---|--------------------------------------|--------------------------|---------------|
| CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT             | HIGHEST NO<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA<br>RATE | ADDIT.<br>FEE |
| TOTAL 30 MINUS  | 30                                   | = 0 x \$ 25.00 = \$ 0.00 |               |
| INDEP 6 MINUS   | 6                                    | = 0 x \$ 100.00 = \$ 0   |               |
| <b>FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM</b> |                                      | + \$ 0.00 = \$ 0.00      |               |
|   |                                      | <b>TOTAL \$ 0.00</b>     |               |

**ADDIT. FEE**

No additional fee for claims is required.

**FEE DEFICIENCY**

5. If any additional extension and/or fee is required, charge Deposit Account No. 06-0540.  
 If any additional fee for claims is required, charge Deposit Account No. 06-0540.

Date: 10/19/05

Respectfully submitted,

Randall K. McCarthy, Registration No. 39,297  
 Bill D. McCarthy, Registration No. 26,772  
 Daniel P. Dooley, Registration No. 46,369  
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PATENT  
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Filed: September 17, 2003                  Examiner: A. Valenti  
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Mail Stop AF  
Commissioner for Patents  
P.O. 1450  
Alexandria, Virginia 22313-1450

RESPONSE TO FINAL OFFICE ACTION  
MAILED AUGUST 23, 2005

Sir:

This is in response to the final Office Action mailed August 23, 2005.

A Listing of Claims begins on page 2.

Remarks begin on page 11.

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

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Diana C. Anderson  
Signature

Date: October 19, 2005

Diana C. Anderson  
(type or print name of person certifying)